

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMES OTIS WILLIAMS, Jr.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:19-cv-01118-LCB-SGC
)	
JESSICA La'SHAY SANDERS, et al.,)	
)	
Defendants.)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On October 2, 2019, the plaintiff was ordered to show cause in writing and under oath within fifteen days why he should not now be required to pay the \$48.60 initial partial filing fee in full before being allowed to proceed. (Doc. 8).¹ He was further ordered to show cause in writing and under oath within fifteen days why he should not also be required to pay the \$301.40 balance remaining on the filing fee (after payment of the \$48.60 initial partial filing fee) before being allowed to proceed. (*Id.*). He was advised that at a minimum he must complete and sign the “Response to Show Cause Order” form attached to the order. (*Id.*).

¹ Also on October 2, 2019, the plaintiff filed a motion for an extension of time to pay the initial partial filing fee. (Doc. 9). In his motion, the plaintiff stated he would pay the initial partial filing fee within seven to ten business days of September 30, 2019. (*Id.*). Because the October 2, 2019 order gave the plaintiff fifteen days to show cause why he should not be required to pay the initial partial filing fee in full before being allowed to proceed, the plaintiff's motion (Doc. 9) is **DENIED** as **MOOT**.

More than fifteen days have elapsed, and the plaintiff has failed to comply with or otherwise respond to the order. Accordingly, the undersigned **RECOMMENDS** this action be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, pursuant to Rule 41(b) of the *Federal Rules of Civil Procedure*.

Notice of Right to Object

The plaintiff may file specific written objections to this report and recommendation. The plaintiff must file any objections with the Clerk of Court within fourteen (14) calendar days from the date the report and recommendation is entered. Objections should specifically identify all findings of fact and recommendations to which objection is made and the specific basis for objecting. Objections also should specifically identify all claims contained in the complaint that the report and recommendation fails to address. Objections should not contain new allegations, present additional evidence, or repeat legal arguments.

Failing to object to factual and legal conclusions contained in the magistrate judge's findings or recommendations waives the right to challenge on appeal those same conclusions adopted in the district court's order. In the absence of a proper objection, however, the court may review on appeal for plain error the unobjected to factual and legal conclusions if necessary in the interests of justice. 11th Cir. R. 3-1.

On receipt of objections, a United States District Judge will review *de novo* those portions of the report and recommendation to which specific objection is made and may accept, reject, or modify in whole or in part, the undersigned's findings of fact and recommendations. The district judge also may refer this action back to the undersigned with instructions for further proceedings.

The plaintiff may not appeal the magistrate judge's report and recommendation directly to the United States Court of Appeals for the Eleventh Circuit. The plaintiff may only appeal from a final judgment entered by a district judge.

DONE this 24th day of October, 2019.


STACI G. CORNELIUS
U.S. MAGISTRATE JUDGE